THE CRIMINAL PROCEDURE CODE AMENDMENT BILL.

Mr. A. M. Muthunayagom Pillai.—Sir, from the Statement of Objects and Reasons published in the Gazette, it will be seen that a few amendments are proposed for the purpose of extending two of the provisions of the existing Criminal Procedure Code. The extension is necessitated by the practical inconvenience experienced by the Police and the Forest departments in conducting prosecutions. At present, among Police Officers, Inspectors alone are competent to conduct the prosecution of cases before Magistrates. Cases in charge of one Inspector are often posted before different Magistrates at one and the same time, with the obvious consequence that, in all but one, the interests of the prosecution suffer. It is proposed, therefore, to enable Government to invest any class of Police Officers with the power to conduct prosecutions. The other amendment is to meet similar administrative convenience in the Forest department. I beg to commend the amendments for the acceptance of the Council.

Seconded by Mr. N. Subramania Iyer.

Mr. K. K. Kuruvila.—Sir, at this stage of the Bill, I have only to suggest, for the consideration of the Select Committee that may be appointed, that it would be better in the amendment to Section 372, to specifically declare that the discretion of Government about the class of Police Officers to be entrusted with prosecution duties, will not travel below the grade of Head Constables. The existing Regulation fixes the lowest grade as that of Police Inspector. The correspondence with the Superintendent of Police referred to in the Statement of Objects and Reasons, as well as the statement of the Mover on the 19th Vycausy 1083 when asking for permission to introduce the Bill, shows that the present intention of Government is to descend to the grade of Head Constables only, and it may be desirable to prevent the public from misunderstanding the intention of the legislature as to the discretion proposed in the wording of the Bill descending even below that grade.

The Council having then affirmed the principle of the Bill, Mr. A. M. Muthunayagom Pillai proposed that the Bill be referred to a Select Committee consisting of Messrs. K. K. Kuruvila, A. J. Vieyra and the Mover, to report within two months.

The motion was put and agreed to.

THE WEIGHTS AND MEASURES BILL.

Mr. N. Subramania Iyer.—In the absence of my learned friend, Mr. Sankara Menon, who has written to say that he is unable to attend today's meeting, I have been asked to present the Report of the Select Committee on the Weights and Measures Bill. But before doing so, I beg leave to make a few preliminary observations. You are of course aware that a Bill to regulate Weights and Measures was introduced into this Council as far back as November 1901, corresponding to Vrischigom 1077. A reference to the Proceedings of the Council dated 30th November 1901, will show that there was a full and interesting discussion on many important points, the chief of them being the determination of the primary standards. However, that Bill did not become law and it has become necessary to frame another.

It is a matter for consideration whether opportunity should not now be taken to fully thresh out the question of standards, and I am sure you will kindly pardon me if I say a few words on that question. The fixing of primary standards lies at the basis of the regulation of weights and measures. All the authorised weights and measures in a country are based on these standards and bear definite relations of equivalence to them. And it is with reference to these standards that our weights and measures have to be checked and verified. The ultimate standards fixed

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should therefore be unchanging and unchangeable. Further, to facilitate and regulate trade relations with other countries, our weights and measures should be easily convertible into terms of the weights and measures of the rest of the world. For this purpose, it is recognized that the standards should be common to all commercially connected countries, though the weights and measures actually employed may vary. The French metric system is the standard system of almost the whole world; and being based on nature, it fulfils the criterion of unchanginguess. The unit of length which is directly based on an unchanging natural measurement, is the basis for both measures of capacity and weight according to the metric system. But in our first Bill, the English inch of 12 barley corns was taken as the unit of length. In the present Bill, the British yard of 36 inches has been taken. The yard being longer than an inch, there is less liability to error in making copies. To that extent, the yard proposed in the present Bill is an advantage. But as an ultimate standard, it lacks the other pre-requisites, that is, it is neither based on nature nor is it generally adopted by the rest of the civilized world. To quote the words of Thomson and Tait, standard authorities on natural philosophy, "the British standard of length is the Imperial yard defined as the "distance between the marks on a certain metallic bar preserved on the Tower of London "when the whole has a temperature of 60° Fahrenheit. It is not directly derived from "a fixed quantity in nature, although some important relations with such have been "measured with great accuracy." In regard to weight, the old Bill as well as the present take the tola as the standard, the former describing a tola as weighing 180 grains Troy (English weight) and the latter describing it as a weight of metal certified to be equal to the weight of one British rupee. According to Section 2 of the Indian Weights and Measures of Capacity Act (XXXI of 1871), their primary standard of weight is one equal, when weighed in a vacuum, to the weight known in France as the Kilogramme Des Archives. I see no difficulty in adopting the same or some similar standard here too, though there may be no great practical objection to the rupee, as the British rupee's weight is fixed by statute and bears a definite ratio of equivalence to the kilogramme weight.

In the absence however of figures carefully worked out by an expert physicist, I do not feel prepared to move any formal amendments to the Bill as it now stands. But it seems to me, roughly speaking, that the primary standard of length, instead of being the British yard, may be a *Kole* which shall be $\frac{3}{4}$ of a metre as defined in the metric system. The primary standard of capacity may remain our *Edangali* which will be, say, $2\frac{2}{7}$ times a litre as defined in the metric system. The primary standard of weight may be a *Kazhanjoo* or something else, and shall be a weight of metal equal to a certain fraction of the weight of an *Edangali* of water at its temperature of maximum density or equal, when weighed in a vacuum, to a kilogramme as defined in the metric system.

Anyhow, whether these or other proposals are adopted, it may be possible, I venture to think, to devise for Travancore a system of standards and units of weights and measures, which would have to us in Travancore a more clearly understood relation to the generally adopted world system and would have the further merit of greater individuality.

Apart from the question of standards, there are one or two points in the Bill to be looked into, and I believe that, at a sitting of the Select Committee, it may be more conveniently, perhaps even more efficiently, done than in the Council room.

In these circumstances and for the reason that my friend, the Mover of the Bill, is not present today, I think the Bill as well as the Select Committee's Report which makes no alteration in it, may be returned for further consideration, if any, and re-submission at the next meeting. I need hardly state that this is an important piece of legislation and would justify the comparatively small delay which this suggestion involves. I await the sense of the Council.

Mr. K. K. Kuruvila.—Sir, in my opinion, immutability in laws of this nature is not to be expected. I was on the Council when the previous attempt for regulating weights and measures was made by Mr. Rajaram Rao. Its death, so far as I

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remember, was caused by a desire at perfection by adopting French standards, &c. I support the Bill as it is, mainly because some known standard has to be established to prevent cheating and to regulate contracts. Administrative convenience has, without the knowledge or interference of the legislature, made the Forest department establish 30 inches as synonymous with the indigenous *Kole*. The present Bill, while establishing locally-known standards, enable Government to legalise other local measures by Notifications to that effect. I therefore submit that the Bill, as it is, may be proceeded with.

Under orders of the President, the Secretary then read out to the Council letter Ref. on C. No. 210, dated 28-1-04, from the Resident, on the former Weights and Measures Bill.

Mr. A. M. Muthunayagom Pillai.—I am unable to agree with my learned friend, Mr. N. Subramania Iyer, in proposing to send the present Bill back to the Select Committee.

Mr. S. Sankara Pillai.—I think the Bill may be proceeded with.

Mr. A. Sri Narayanan Thampi.—I am of opinion that there is no use in re-committing the Bill to the Select Committee.

Mr. S. Subramania Iyer.—It is after careful consideration that the present standards have been fixed.

As the general sense of the Council was in favor of the Bill being proceeded with, it was taken up for consideration.

Section 2.

Mr. N. Subramania Iyer.—I beg to propose that, instead of the words "equal to the weight of one British rupee", in Section 2, the words "equivalent to 180 grains Troy or one British Indian rupee", be substituted. The amendment is intended to make the wording precise.

Seconded by Mr. A. M. Muthunayagom Pillai.

Carried.

Section 5.

President—Probably Section 5 requires recasting. As it stands, directly the Bill becomes law, the use of all weights and measures other than the units prescribed in Section 3, and those specially notified by Government under Section 4, would be illegal. It may not be practicable for Government to authorize, simultaneously with the passing of the Bill, the weights and measures of every description in use in all parts of the country which they may consider worthy of retention. It would probably be better to provide that Government may, by Notification, direct that, after a specified date, no weight or measure not authorized or certified under the provisions of this Regulation, shall be used in any specified local area.

Mr. A. M. Muthunayagom Pillai.—I beg to propose that the following be substituted for Section 5:—

"Our Government may, by Notification in the Official Gazette, direct that, after a date to be fixed therein, no weight, measure, weighing machine or balance, not authorized and certified under the provisions of this Regulation or Notifications or Rules issued thereunder, shall be used in any dealing or contract that is had or made in any specified local area; and Our Government may, in like manner, alter or revoke such direction".

Seconded by Mr. S. Sankara Pillai.

Carried.

Section 7.

Mr. K. K. Kuruvila.—With the permission of the President, I beg to propose that the words "Provided that such verification shall not be required to be

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made oftener than once in two years", in Section 7, be omitted. The intervals at which weights and measures are to be verified and certificates granted, are some of the matters of detail which will be provided for in the rules to be passed under the Regulation.

Seconded by Mr. A. Sri Narayanan Thampi.

Carried.

Mr. A. M. Muthunayagom Pillai.—We want a penal provision to enforce Section 5 as now revised. I would propose that the following be inserted as Section 10 :—

"Whoever, in contravention of any Notification issued under Section 5 knowingly uses as authorised and certified, any weight, measure, weighing machine or balance, not duly authorised and certified under the provisions of this Regulation or of the Notifications and Rules issued thereunder, shall be punished with imprisonment for a term which may extend to three months, or fine which may extend to Rs. 100, or both."

Seconded by Mr. N. Subramania Iyer.

Carried.

Mr. A. M. Muthunayagom Pillai :—I beg to propose that the words "on conviction before a Magistrate of the Second Class," in Section 10 of the Bill, be omitted, and the Section numbered as 11.

Seconded by Mr. S. Sankara Pillai.

Carried.

Mr. A. M. Muthunayagom Pillai.—I beg to move that the Bill, as now amended, be read again on a future day of which notice shall be given.

The motion was put and agreed to.

THE FOREST REGULATION AMENDMENT BILL.

Mr. A. M. Muthunayagom Pillay. —Sir, I beg to present the Report of the Select Committee on the Forest Regulation Amendment Bill. The Report has been duly published in the Gazette and copies thereof circulated among the Members. I beg to move that the Bill be now taken up for consideration.

Seconded by Mr. N. Subramania Iyer.

Carried.

Section 8.

Mr. K. K. Kuruvila.—With reference to Section 8, 2nd amendment, regarding the omission of the fourth para in the existing Regulation, I beg to submit, with the permission of the President, that the retention of that paragraph is very desirable for several reasons, as the foremost of which may be mentioned the interests of Government itself. The sufferer, even though silent before the Special Officer, has the right to sue the Government in the Civil Court as soon as the final Notification is published. If, by the incompleteness of the enquiry by the Special Officer, Government has been trapped into a wrong action and the Civil Court supports the plaintiff, the damage to the reputation and interests of Government will be serious. Another reason is that the proposed notice through the Post or Anchel may, by some misshance, fail in reaching the addressee. The good faith of the enquiry and the desire in Government for equity in its actions, may also be mentioned to support my position. Ordinarily, the Special Settlement Officers are Dewan Peishcars, and the ascertainment by them of the existence or otherwise of recorded rights, could not involve any insurmountable difficulty.

I therefore move that para 4 be retained.

Seconded by Mr. A. Sri Narayanan Thampi.

Carried.

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